IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21540 of 2004

Between:

1. U. Eranna, S/o. Chinna Hanumanna,
R/o. Thurvagallu Village, Aspari Mandal, Kurnool District.

2 . Chinna Hanumanna, S/o. Pedda Mareppa,
R/o. Thurvagallu Village, Aspari Mandal, Kurnool District.

..... PETITIONER(S)

AND

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Aspari Mandal, Kurnool District.
3 The Mandal Develolpment Officer, Aspari Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declare the action of the Respondents in laying the road on the petitioners land in Sy.No.47/B and 56/B of Thurvagallu Village, Aspari Mandal, Kurnool District, as illegal, arbitrary and in violative of Article 300-A of constitution of India and opposed to provisions of the Land Acquisition Act, and consequently direct the Respondents not to lay the road on the petitioners land without following due process of law.

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORAL ORDER:

The petitioners have filed this writ petition seeking a Mandamus to declare the action of the respondents in laying road in the petitioners' land in S.No.47/B and 56/B of Thurvaguallu Village, Aspari Mandal, Kurnool District as illegal and arbitrary.

The case of the petitioners is that they claim to be the pattadars of the agricultural lands admeasuring Ac.4.98 cents situated in S.No.47/B, and Ac.2.30 cents situated in S.No.56/B of Thurvagallu Village, Aspari Mandal. The respondents, without any authority are trying to trespass into the land and allowing the road for public purpose. Hence, the writ petition is filed.

The learned counsel for the petitioners has contended that without following the procedure under the Land Acquisition Act, the respondents are trying to lay road in the patta lands of the petitioners and therefore, the respondents may be restrained from violating the Article 300-A of Constitution of India.

The learned Government Pleader for Revenue has fairly conceded that except in accordance with law, the respondents will not proceeded further.

The claim of the petitioners is that they are the owners of the land of an extent of Ac.7.28 cents in S.No.47/B and 56/B of Thurvagallu Village. The apprehension of the petitioners is that the respondents are going to lay road in the petitioners' land contrary to the provisions of the Land Acquisition of Act. No proceedings have been initiated for acquisition of the lands of the petitioners for the purpose of laying road. So, in the absence of issuance of any acquisition proceedings, the respondents cannot lay any road.

In view of the facts and circumstances of the case, a direction can be given to the respondents not to lay any road in the lands of the petitioners except following the procedure laid down in the Land Acquisition Act.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

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(K.C. BHANU, J.)

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25th November, 2004.

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To

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Aspari Mandal, Kurnool District.
3 The Mandal Develolpment Officer, Aspari Mandal, Kurnool District.

4. Two CCs to G.P for Revenue, High Court Buildings,

Hyderabad(OUT).

5. Two CD copies.